

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

JAMES D. MAGEE

PETITIONER

VERSUS

CIVIL ACTION NO. 2:13cv106 KS-MTP

JOHNNY DENMARK

RESPONDENT

ORDER

This cause is before the Court on Motion to Dismiss [9] filed by Johnny Denmark and Motion to Dismiss [11] filed by Petitioner James D. Magee. A Report and Recommendation has been filed by Magistrate Judge Michael T. Parker [12] and the Court has considered the Report and Recommendation and the Motions above described and finds that the Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and that the Motion to Dismiss this Petition [11] filed by James D. Magee is sustained, and the Petition is dismissed without prejudice. Further, the Court finds that the Motion to Dismiss [9] filed by Johnny Denmark is moot. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 23rd day of October, 2013.

*s/Keth Starrett*  
UNITED STATES DISTRICT JUDGE